

REMARKS

With this Response, claims 1, 3-6, 8-9, 11, 13-15, 18, 21, 23-24, 27-29, 31-33, 35-36, 39, and 44 are amended. No claims are added or canceled herein. Therefore, claims 1-6, 8-33, 35-46, and 48-58 are pending.

CLAIM OBJECTIONS

Claims 1 and 3-4 were objected to as reciting "the resources," which the Office Action suggested was confusing with other cited resources. Applicants submit that the amendments herein resolve any confusion that may be present in the claims, rendering the specific objection of these claims moot.

Claims 24 and 33 were objected to as reciting confusing limitations. Applicants submit that the amendments to these claims herein resolve the confusion pointed to by the Office Action, rendering the specific objection of these claims moot.

Because the claim amendments herein obviate the objection of these claims, Applicants respectfully request that this objection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-5, 8-13, 16-33, 35-37, 40-46, 48-49, and 52-58 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,359,924 of Kuhn et al. (*Kuhn*). Applicants respectfully submit that these claims are not anticipated by the reference for at least the following reasons.

Applicants note that as amended herein, each of the independent claims recites an element directed to a base station selecting a radio frequency (RF) resource from among multiple RF resources to transmit a page. There is a clear distinction in the claims, as well as in the Specification (see, e.g., page 10, line 20 to page 11, line 12; and page 12, lines 5 to 14), between an RF resource and a resource comprising a sequence of RF resources following a hopping sequence. Thus, the claims recite RF resources and hopping resources.

As Applicants have understood the reference, all paging is performed on a predetermined downlink control channel (DL). The predetermined downlink channel DL has a steady frequency f_0 and pre-specified timeslots. The specific frequency and timeslots are known to all user terminals, or scanned for by the user terminals. See col. 4, lines 27 to 34 and col. 3, lines 60 to 65. No selection of the paging channel is performed. This is in contrast to the claimed

invention, which recites selecting one of multiple RF resources to transmit a page. Thus, the cited reference fails to disclose or suggest at least one element of the claimed invention, and so fails to support an anticipation rejection of the independent claims under MPEP § 2131. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants respectfully submit that neither the independent claims, nor their dependent claims, are anticipated by the cited reference.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claim 6

This claim was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kuhn* in view of U.S. Patent No. 5,291,475 of Bruckert (*Bruckert*). Whether or not *Bruckert* provides a teaching regarding CDMA that could be combined with *Kuhn*, which Applicants do not concede, the reference fails to cure the deficiencies of *Kuhn*. Whether alone or in combination, these references fail to disclose or suggest at least one element of the invention as recited in claim 1, discussed above, from which this claim depends. Thus, these references fail to render obvious the invention as recited in claim 6 for at least the reasons set forth above.

Claims 14-15, 38-39, and 50-51

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kuhn* in view of U.S. Patent No. 5,978,366 of Massingill et al. (*Massingill*). Applicants note that no part of *Massingill* is cited as disclosing any element that may or may not be in these claims.

Applicants note that an application of the references to the claims appears to be missing. Applicants further note that in addition to an application of these references to the claims being missing, there is no signature page, which leads Applicants to suspect that one or more pages of the Office Action were inadvertently missing. Nevertheless, Applicants are unable to respond to an incomplete rejection, and therefore cannot respond to an unknown rejection of these claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that all rejections have been overcome, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being facsimile transmitted on the below date to the United States Patent and Trademark Office at:

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Date

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Examiner: J.A. Kading
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